

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RAMSEY TOSSA,

Plaintiff,

v.

ADAM TARDIF, *et al.*,

Defendants.

Civil No. 2:14-cv-12319

Judge Laurie J. Michelson

Mag. Judge Stephanie Dawkins Davis

PROPOSED JOINT CASE STATEMENT

Plaintiff Ramsey Tossa and Defendants, DEA Agents Kent Kleinschmidt, Jeremy Fitch, and Justin Holton, and DEA Task Force Officer Adam Tardif, by and through their attorneys, Matthew Schneider, United States Attorney for the Eastern District of Michigan, and Zak Toomey, Assistant U.S. Attorney, submit the following proposed joint case statement, pursuant to the Court's Scheduling Order, (Dkt. 144):

Plaintiff Ramsey Tossa claims that DEA agents and officers improperly executed a search warrant at his home. He has sued four individual law enforcement officers. His lawsuit is not against the United States, the Drug Enforcement Administration, or the government generally, but against these specific people: DEA Group Supervisor Kent Kleinschmidt, DEA Agents Jeremy Fitch, and Justin Holton and DEA Task Force Officer Adam Tardif.

On July 26, 2011, these DEA agents and officers, along with other DEA agents and officers, as well as state and local police officers, executed a search warrant at 3190 Marc Drive in Sterling Heights, Michigan. The officers knocked and announced their presence. Mr. Tossa came to the door, unlocked it, and opened it himself. Mr. Tossa says that an agent grabbed him by the neck and pushed him across the yard, where another agent had him kneel, then lie on the ground and the agent put one knee on his back. This triggered an asthma attack, which caused Mr. Tossa to struggle to breathe. When the house was secured, the DEA agents brought Mr. Tossa inside, allowed his daughter to administer his breathing medication, and called an ambulance.

Mr. Tossa has only one claim against these defendants: excessive force in violation of the Fourth Amendment. After you have heard all the evidence, you will be asked to decide if any of the defendants used excessive force, by using more force than a reasonable and prudent law enforcement officer would have applied to detain Mr. Tossa. You will also be asked to decide if any of the defendants failed to intervene to stop any excessive force, if they knew about it and had a reasonable opportunity to stop it. This is a civil case, and Mr. Tossa bears the burden of proving his claim.

SO STIPULATED.

RAMSEY TOSSA

Plaintiff



MATTHEW SCHNEIDER

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Dated: 7/31, 2018

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CERTIFICATE OF SERVICE

I hereby certify that on **August 6, 2018**, I electronically filed the foregoing paper with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all ECF participants in this case, I have also sent Mr. Tossa with a paper copy of this filing by U.S. Mail at the address he provided me on July 20, 2018.

s/Zak Toomey
Zak Toomey (MO61618)
Assistant U.S. Attorney